

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

VERNA DIANNE DICKINSON and GREGORY DICKINSON

PLAINTIFFS

V.

CIVIL ACTION NO.1:06CV198 LTS-RHW

NATIONWIDE MUTUAL FIRE INSURANCE CO., ET AL.

DEFENDANTS

**ORDER OVERRULING MOTION *IN LIMINE* TO EXCLUDE
EVIDENCE OF ADJUSTER KEITH STILLWELL'S LOSS SUMMARY REPORT**

Plaintiffs have moved the court *in limine* [174] to exclude evidence of adjustor Keith Stillwell's (Stillwell) loss summary report. The report is Exhibit One to this motion.

My perusal of this exhibit indicates that Stillwell made a personal inspection of the plaintiffs' property after the storm. His report contains his personal observations. To the extent that his report is based on his first hand observations it will be admissible, subject to the plaintiffs' right to challenge any portion of the report that does not rest on a foundation of personal observation, and subject to the plaintiffs' right to cross-examine Stillwell concerning these observations.

The questions whether and to what extent Nationwide relied on Stillwell's observations, as reflected in his report, do not affect the admissibility of Stillwell's testimony or his report. Nor does Nationwide's decision to retain an engineer to further evaluate the issue of causation render Stillwell's first hand observations, as reflected in his report, inadmissible.

This motion [174] is **DENIED**.

DECIDED this 24th day of June, 2008.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE